

1 Teresa M. Corbin (SBN 132360)
Denise M. De Mory (SBN 168076)
2 Jaclyn C. Fink (SBN 217913)
HOWREY LLP
3 525 Market Street, Suite 3600
San Francisco, California 94105
4 Telephone: (415) 848-4900
Facsimile: (415) 848-4999
5
6 Attorneys for Plaintiff SYNOPSISYS and
Defendants AEROFLEX INCORPORATED,
AEROFLEX COLORADO SPRINGS, INC.,
7 AMI SEMICONDUCTOR, INC., MATROX
ELECTRONIC SYSTEMS, LTD., MATROX
8 GRAPHICS INC., MATROX
INTERNATIONAL CORP., and MATROX
9 TECH, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 RICOH COMPANY, LTD.,

14 Plaintiff,

15 vs.

16 AEROFLEX INCORPORATED, AMI
SEMICONDUCTOR, INC., MATROX
17 ELECTRONIC SYSTEMS LTD., MATROX
GRAPHICS INC., MATROX
18 INTERNATIONAL CORP., MATROX TECH,
INC., AND AEROFLEX COLORADO
19 SPRINGS, INC.,

20 Defendants.

Case No. C03-4669 MJJ (EMC)

**DECLARATION OF DENISE M. DE MORY
IN SUPPORT OF DEFENDANTS
AEROFLEX INCORPORATED AND
AEROFLEX COLORADO SPRINGS'
REPLY TO RICOH'S OPPOSITION TO
DEFENDANT'S *EX PARTE* APPLICATION
FOR ORDER COMPELLING REMOVAL
OF REFERENCES TO PRIVILEGED
MATERIAL AND RETURN OF
INADVERTENTLY PRODUCED
PRIVILEGED MATERIAL**

Magistrate Judge: Hon. Edward M. Chen

1 I, Denise M. De Mory, declare as follows:

2 1. I am a partner at the law firm of Howrey LLP, counsel for Aeroflex Incorporated and
3 Aeroflex Colorado Springs in this action. The following declaration is based on my personal
4 knowledge. If called upon to testify, I could and would competently testify to the matters set forth
5 below.

6 2. During the Case Management Conference (“CMC”) held on July 13, 2005, Judge
7 Jenkins ordered Ricoh to provide to Synopsys definitions of the Design Libraries it considered to be at
8 issue by Monday, July 18, 2005. Attached hereto as Exhibit 1 is a true and correct copy of Ms. Fink’s
9 letter to Mr. Hoffman dated July 14, 2005, and summarizing key points from the CMC.

10 3. Per Judge Jenkins directive at the CMC, Ms. Allen provided a list defining the types of
11 libraries it sought in a letter dated July 18, 2005. Attached hereto as Exhibit 2 is a true and correct
12 copy of Ms. Allen’s letter to Ms. Corbin dated July 18, 2005 defining the libraries it considered at
13 issue.

14 4. The Fink e-mail contained the following footer:

15 This email and any attachments contain information from the law firm of Howrey LLP,
16 which may be confidential and/or privileged. The information is intended to be for the
17 use of the individual or entity named on this email. If you are not the intended recipient,
18 be aware that any disclosure, copying, distribution or use of the contents of this email is
19 prohibited. If you receive this email in error, please notify us by reply email immediately
20 so that we can arrange for the retrieval of the original documents at no cost to you.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is true
22 and correct.

23 Executed this 13th day of March, 2006, at San Francisco, California.

24 /s/Denise M. De Mory
25 Denise M. De Mory
26
27
28

EXHIBIT 1



525 Market Street
Suite 3600
San Francisco, CA 94105-2708
T 415.848.4900
F 415.848.4999
www.howrey.com

July 14, 2005

BY FACSIMILE & U.S. MAIL

Gary M. Hoffman, Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street NW
Washington, DC 20037

***RE: Synopsis, Inc v. Ricoh Company, Ltd.
 Case No. CV 03-02289 MJJ (EMC)
 Ricoh Company, Ltd. v. Aeroflex, Inc.
 Case No. CV 03-04669 MJJ (EMC)***

Dear Gary:

As we agreed, I am writing to summarize the key points from our Case Management Conference with Judge Jenkins yesterday. Our understanding of the key points is:

1. There are no logic synthesis products at issue other than the Synopsys products.
2. The Synopsys products at issue are limited to those from the chart on page 28 of the Joint CMC Statement, as confirmed by my June 27, 2005 letter.
3. Ricoh agreed to limit the time frame for Design Libraries to 2000 through the present.
4. Ricoh will provide the definitions of the Design Libraries it considers to be at issue, along with document name and page citation, to Synopsys by 9 AM California time on Monday, July 18, 2005.
5. The Customer Defendants will provide declarations/stipulations related to the identified Design Libraries to Ricoh by 11 AM California time on Thursday, July 21, 2005.
6. Synopsys will provide input-related declarations/stipulations to Ricoh by 11 AM California time on Thursday, July 21, 2005.

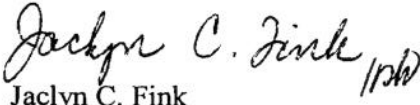
HOWREY
LLP

Gary M. Hoffman, Esq.
July 14, 2005
Page 2

7. Ricoh will provide Synopsys with a schedule for Final Infringement Contentions with source code cites (for each of the claim elements, Ricoh will provide the specific functions in the source code that infringe the element either literally, or by equivalents, and the associated path and file name containing that function) by 11 AM California time on Thursday, July 21, 2005. Note that providing this information in advance of the conference call was not discussed, but Synopsys would like a chance to consider Ricoh's proposal in advance of the call, and recommends the same date and time as for the other information being provided.
8. Synopsys will provide Ricoh with the availability for depositions of Olson and Heynes re: the 271(g) motion; the 271(g) briefing is stayed until after these depositions.
9. There will be a conference call hearing at 2 PM California time on Friday, July 22, 2005 to discuss the above issues. You will initiate the call.
10. Discovery remains stayed except as outlined above.

Please confirm that this is your understanding as well.

Very truly yours,


Jaclyn C. Fink

* * * COMMUNICATION RESULT REPORT (JUL. 14. 2005 1:34PM) * * *

TTI HOWREY SIMON ARNOLD & WHITE

TRANSMITTED/STORED JUL. 14. 2005 1:33PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

3423 MEMORY TX

#606912028870689

OK

3/3

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION**HOWREY**525 MARKET STREET
SUITE 3600
SAN FRANCISCO, CA 94105-2708
PHONE: 415.848.4900 • FAX: 415.848.4999**FACSIMILE COVER SHEET**

DATE: July 14, 2005

TO: **NAME:** Gary M. Hoffman, Esq.
COMPANY: Dickstein Shapiro Morin & Oshinsky LLP
FAX NUMBER: 202.887.0689 **PHONE NUMBER:** 202.785.9700
CITY: Washington, DC

FROM: **NAME:** Jaclyn C. Fink, Esq.
DIRECT DIAL NUMBER: 415.848.4916 **USER ID:** 2590

NUMBER OF PAGES, INCLUDING COVER: 3 **CHARGE NUMBER:** 06816.0060.000000

☒ **ORIGINAL WILL FOLLOW VIA:**
☒ **REGULAR MAIL** ☐ **OVERNIGHT DELIVERY** ☐ **HAND DELIVERY** ☐ **OTHER:** _____

☐ **ORIGINAL WILL NOT FOLLOW**

SUPPLEMENTAL MESSAGE:

Please see the attached.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

HOWREY_{LLP}

525 MARKET STREET
SUITE 3600
SAN FRANCISCO, CA 94105-2708
PHONE: 415.848.4900 • FAX: 415.848.4999

FACSIMILE COVER SHEET

DATE: July 14, 2005

TO: NAME: Gary M. Hoffman, Esq.

COMPANY: Dickstein Shapiro Morin & Oshinsky LLP

FAX NUMBER: 202.887.0689 PHONE NUMBER: 202.785.9700

CITY: Washington, DC

FROM: NAME: Jaclyn C. Fink, Esq.

DIRECT DIAL NUMBER: 415.848.4916 USER ID: 2590

NUMBER OF PAGES, INCLUDING COVER: 3 CHARGE NUMBER: 06816.0060.000000

☒ ORIGINAL WILL FOLLOW VIA:

☒ REGULAR MAIL

☐ OVERNIGHT DELIVERY

☐ HAND DELIVERY

☐ OTHER: _____

☐ ORIGINAL WILL NOT FOLLOW

SUPPLEMENTAL MESSAGE:

Please see the attached.

2005 JUL 14 PM 2:00
FAXED

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 415.848.4900.

EXHIBIT

2

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 572-2656

E-Mail Address: AllenD@dsmo.com

July 18, 2005

BY FACSIMILE AND U.S. MAIL

Teresa M. Corbin, Esq.
Howrey Simon Arnold & White LLP
301 Ravenswood Ave.
Menlo Park, CA 94025

Re: Ricoh v. Aeroflex et al.

Dear Terry:

In accordance with Judge Jenkins' directive provided at the July 13, 2005 Case Management Conference, we provide (i) the following list of the types of libraries we are seeking to have fully identified in the list to be provided by each ASIC Defendant and (ii) citations showing examples of Synopsys documents using the library nomenclature that Ricoh has used.

- Target libraries and technology libraries (*see, e.g.,* SP59888-60164 Chip Synthesis Workshop – Lab Guide (© 2003) at SP59911-14; SP60165-60461 Introduction & Overview, Chip Synthesis (2003) at SP60241-242)
- Symbol libraries (*see, e.g.,* SP59888-60164 Chip Synthesis Workshop – Lab Guide (© 2003) at SP59934)
- Link libraries (*see, e.g.,* SP59888-60164 Chip Synthesis Workshop – Lab Guide (© 2003) at SP59916-59919, SP59923); *DesignWare IP Family Quick Reference Guide* (RCL008947-9306) at p. 28)
- Basic library (*see, e.g.,* *DesignWare IP Family Quick Reference Guide* (RCL008947-9306) at p. 27)
- DesignWare Foundation and Building Block IP libraries (*see, e.g.,* *DesignWare Building Block IP User Guide* (RCL009357-9448); *DesignWare IP Family Quick Reference Guide* (RCL008947-9306) at pp. 27-28)

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

www.DicksteinShapiro.com

Teresa M. Corbin, Esq.
July 18, 2005
Page 2

- Synthetic libraries (see, e.g., *DesignWare Developer's Guide* (RCL009449-9622) at Ch. 4, pp. 61-64; *DesignWare Building Block IP User Guide* (RCL009357-9448) at Ch 1 pp. 17-20)
- Design libraries (see, e.g., *DesignWare Building Block IP User Guide* (RCL009357-9448) at Ch 1 pp. 17-18, 20); *DesignWare Developer's Guide* (RCL009449-9622) at 23-24, 146)
- Any libraries used by or made by (or behalf of) an ASIC Defendant as a replacement or substitute for any of the above libraries (see, e.g., the comments of the ASIC Defendants in the CMC at Page 18, lines 17-19)

Ricoh understands that other libraries are used by the ASIC Defendants in the Synopsys synthesis flow for the tools and libraries at issue (see p. 28 of the Case Management Statement for Ricoh's list of tools and libraries at issue). For example, Synopsys has stated there are design libraries created during synthesis and Ricoh seeks discovery from the ASIC Defendants' for such design libraries (see Case Management Statement p. 18 (Synopsys' discussion of design libraries)).¹

Additionally, it is Ricoh's understanding that to the extent there are additional libraries that are not included in the foregoing list of libraries, but that are used by the tools at issue (e.g., any separate libraries of GTECH cells²), then such other libraries (including source code and documentation) have been produced as part of the currently on-going source code production. However, if Ricoh's understanding is incorrect, then Ricoh also seeks a list of such libraries (e.g., GTECH libraries).

¹ Note that while Synopsys has used the term "design library" to refer to a library generated during synthesis, Ricoh has used the term "design library" to mean the DesignWare design library that Synopsys documentation describes as housing DesignWare implementations. (See, e.g., *DesignWare Building Block IP User Guide* (RCL009357-9448) at Ch 1 pp. 17-18, 20; *DesignWare Developer's Guide* (RCL009449-9622) at 23-24, 146). It appears to Ricoh that the parties may be using the same term (i.e., design library) to describe two different kinds of libraries. As indicated herein, Ricoh seeks discovery of both kinds of libraries.

² See, e.g., SP60165-60461 Introduction & Overview, Chip Synthesis (2003) at SP60214 (describing GTECH db); SP59888-60164 Chip Synthesis Workshop - Lab Guide (© 2003) at SP59898 (describing GTECH components).

Teresa M. Corbin, Esq.
July 18, 2005
Page 3

Ricoh is seeking discovery related to the above list of libraries as provided by Synopsys, as well as any additions to, modifications to, or substitutions/replacements for any of the foregoing libraries made by the ASIC Defendants (e.g., such as by use of DesignWare Developer).³

As directed by Judge Jenkins, by 11 A.M. Pacific Time on Thursday, July 21, 2005, you are to provide us, for each ASIC Defendant, the list of libraries that each Defendant has used.

Sincerely,

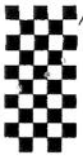


DeAnna Allen

DA/ncz

cc: Jonathan Weissglass, Esq.
Gary Hoffman, Esq.
Edward Meilman, Esq.

³ The term DesignWare Expert libraries, as Ricoh has used it, is encompassed by the DesignWare synthetic libraries, DesignWare design libraries, and any other DesignWare components used by or created by (or on behalf of) the ASIC Defendants. Thus, to the extent that DesignWare synthetic libraries and DesignWare design libraries (as well as any modifications, additions, or replacements/substitutions used by or made by (or on behalf of) the ASIC Defendants to these libraries) are produced, then there is no need for a separate designation by Ricoh of DesignWare Expert libraries.



FAX TRANSMISSION



DATE: July 18, 2005

CLIENT NO.: R2180.0171

MESSAGE TO: Jackie Fink

COMPANY: Howrey Simon Arnold & White

FAX NUMBER: 415-848-4999

PHONE:

FROM: DeAnna Allen

PHONE: 202-572-2656

PAGES (Including Cover Sheet): 4 HARD COPY TO FOLLOW: x YES NO

SENT BY:		DATE/TIME:	
----------	--	------------	--

MESSAGE:

2005 JUL 18 AM 9:12

If your receipt of this transmission is in error, please notify this firm immediately by collect call to our Facsimile Department at 202-861-9106, and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated